

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

HOLOCAUST VICTIM ASSETS
LITIGATION

This document relates to: All Cases

Case No. CV 96-4849 (ERK)(MDG)
(Consolidated with CV 96-5161 and
CV 97-461)

MEMORANDUM & ORDER

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

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BROOKLYN OFFICE

Korman, Chief Judge:

I am in receipt of the October 21, 2005 Report and Recommendations of the International Organization for Migration (IOM) for the Thirteenth Group of Claims in In Re Holocaust Victim Assets Litigation (Swiss Banks) ("Thirteenth IOM Report") that includes 1,381 Slave Labor Class I Direct and Overlap claims, 2,908 HVAP Slave Labor Class II Direct and Overlap claims and 13 Refugee Class Direct and Overlap claims that are being recommended for rejection under the Swiss Banks Settlement Agreement because the claims do not satisfy the eligibility requirements as indicated in the Thirteenth IOM Report. Specifically, with regard to Slave Labor Class I, the claimants were determined not to be Swiss Banks target group members or did not plausibly demonstrate that they performed involuntary labour for the Nazi Regime. As for Slave Labor Class II, the claimants' names do not appear on the Slave Labor Class II Name List nor have the claimants plausibly demonstrated that they performed involuntary labor for a company appearing on the Slave Labor Class II List. Finally, with regard to the Refugee Class claims, the two main bases for

rejection have been that: 1) the claimants were not victims or targets of Nazi persecution as defined under the Swiss Banks Settlement Agreement; and/or 2) the claimants did not plausibly demonstrate that they attempted to enter Switzerland to avoid Nazi persecution.

The Thirteenth IOM Report advises that the following claims are being recommended for rejection:

- 376 Slave Labor Class I Direct claims;
- 1,005 Slave Labor Class I Overlap claims;
- 1,720 Slave Labor Class II Direct claims;
- 1,188 Slave Labor Class II Overlap claims;
- 3 Refugee Class Direct claims; and
- 10 Refugee Class Overlap claims.

All of the 4,302 individuals described in the Thirteenth IOM Report fail to satisfy the eligibility criteria as stated in the Swiss Banks Settlement Agreement, the Distribution Plan and the HVAP Rules as adopted by the Court in its implementing orders. IOM has filed with the Court reports summarizing, for each claimant or group of similarly situated claimants, the basis or bases for its recommendation for rejection. In the interest of privacy, each claimant is identified in the summary report by claim number rather than by name. The names and addresses of these claimants have been filed with the Court under seal in an exhibit accompanying the Thirteenth IOM Report. Accordingly, it is hereby

ORDERED that the 4,302 claims recommended for rejection in IOM's Thirteenth Report are denied.

SO ORDERED:

s/Edward R. Korman

Edward R. Korman
United States District Judge

Dated: Brooklyn, New York
12/5, 2005